

**Historic Resources Commission Meeting
Minutes of August 10, 2011**

Members Present: Hillary Cole, Capi Wampler, David Nutter, Ashley Black, Brendan Ross, Nan Chase, J. Ray Elingburg, Joe Carney

Members Absent: Brian Cook, John Dean, Jonathan Lucas, Aaron Wilson

Staff: Stacy Merten, Jannice Ashley, Peggy Gardner

Public: Stephanie Swepson-Twitty, Craig Carbrey, Bill Zaferis, George Kaltsonis, Chris Goodwin, James Dennis, Dino Zourzoukis, George Lamprinakos, Jimmy Zourzoukis, Tommy I. Arakas, Bryan Moffitt, Michael Brubaker, Jennifer Cathey, Webster Williams, Johnnie Grant

Call to Order: Chair Cole calls the meeting to order at 4:00 pm with a quorum present.

Adoption of Minutes: Chair Cole asks if there are any changes to the July minutes. Commissioner Chase states she has a correction to make on the last item (43 Pearson Drive). A 'yes' vote was recorded for her, though she actually abstained. She would like her vote changed to a 'no'. Commissioner Wampler moves to adopt the July 13, 2011 minutes with this revision.
Second by: Commissioner Nutter
Vote for: All

Consent Agenda:

**Agenda Item
Review for Certificate of Appropriateness**

Owner/Applicant: 26 All Souls Crescent LLC/Bryan Moffitt
Subject Property: 26 All Souls Crescent
Hearing Date: August 10, 2011
Historic District: Biltmore Village
PIN: 9647-69-3470
Zoning District: HB
Other Permits: Building & Zoning

Staff Report	<p>Property Description: Vacant lot with building currently under construction for use as Ruths Chris Steakhouse.</p> <p>Certificate of Appropriateness Request: The application is to Amend CA MJW 09-40000002 to revise the site plan to show new retaining wall location, elevation and landscaping, number and orientation of parking spaces adjacent to the retaining wall and location of water vault.</p> <p>The amended CA will read as follows: Amend CA MJW 09-40000002 to construct new restaurant with adjacent on-site parking per attached approved drawings and site plan revised July 20, 2011. New structure will be 13,373 sq. ft., 2 story, 30 feet high, with a dining porch on the street and a north side entrance</p>
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	<p>porte cochere. Foundation will be concrete slab and brick below the water table. Main body of structure will be pebbledash with 8" smooth sided miratec half timbering. Other details include miratec cornices, brackets, lintels, moldings, 9" corner boards and 9" window and door surrounds. Roof will be flat in rear with front and side gable, front hip, flat soffit and exposed rafter ends in some locations. Roof material is Victorian Red asphalt shingle. Windows & doors will be bronze aluminum clad. Pebbledash color will be BM-Abalone 2108-60 and trim will be BM- Black Ink 2127-20. Retaining wall will be 27' 2" at highest point and taper down to 16'. The wall will be constructed of concrete with pebbledash stucco painted BM Alexandria Beige HC-77 with a cast concrete cap. Wall will be screened with stainless steel lattice and covered with crossvine. Flexible development approved to allow structure to be within 15' of the front property line. Dumpster screening will be concrete block w/ pebble dash stucco on outside; and wood gates. Sidewalk will be "Phoenix" in running bond pattern. Street trees will be Tulip Poplar. All necessary permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>HRC Staff Concerns per the Applicable Guidelines & Submittal Requirements:</p> <p>The Guidelines for New Construction in Contemporary Styles found on pages 13-15 in Chapter 4, Book 3 <i>Biltmore Village Historic District Design Guidelines for New Construction and Additions</i> and Guidelines for Site Design found on pages 23-26, Chapter 5, in Book 1, <i>Biltmore Village General Design Guidelines and Policies</i> adopted on October 1, 1988, were used to evaluate this request.</p> <p>Staff Recommendation: Staff recommends the HRC approve the proposed amendment to the landscape plan and retaining wall.</p> <p>Suggested Reasons:</p> <ol style="list-style-type: none">1. The proposed changes are compatible with the character of the Biltmore Village.
<p>MOTION TO ADOPT FINDINGS OF FACT</p> <p>Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – description of project; Exhibit B – retaining wall color sample; Exhibit C – nine photos, retaining wall examples; Exhibit D – planting example, three years growth; Exhibit E – revised architectural drawings 7/20/11; Exhibit F – revised architectural renderings dated 7/20/11; Exhibit G; revised site plan dated 7/20/11; Exhibit H: revised streetscape dated 7/20/11; Exhibit I: retaining wall detail and cross section dated 7/20/11; and the Commission's actual inspection and review of subject property by all members;</p> <p>I move that this Commission adopt the following FINDINGS OF FACT:</p> <ol style="list-style-type: none">1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 29th day of June, 2011, and that each owner of real property situated within two hundred feet of the subject property was notified of this hearing in the mail on the 29th day of June, 2011, as indicated by Exhibits J and K.	

2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and commission members.

3. That the application is to **Amend CA MJW 09-40000002** to revise the site plan to show new retaining wall location, elevation and landscaping, number and orientation of parking spaces adjacent to the retaining wall and location of water vault.

The amended CA will read as follows: That the application is to **Amend CA MJW 09-40000002** to construct new restaurant with adjacent on-site parking per attached **approved drawings and site plan revised July 20, 2011**. New structure will be 13,373 sq. ft., 2 story, 30 feet high, with a dining porch on the street and a north side entrance porte cochere. Foundation will be concrete slab and brick below the water table. Main body of structure will be pebbledash with **8"** smooth sided miratec half timbering. Other details include miratec cornices, brackets, lintels, moldings, **9"** corner boards and **9"** window and door surrounds. Roof will be flat in rear with front and side gable, front hip, flat soffit and exposed rafter ends in some locations. Roof material is Victorian Red asphalt shingle. Windows & doors will be bronze aluminum clad. Pebbledash color will be BM-Abalone 2108-60 and trim will be BM- Black Ink 2127-20. **Retaining wall will be 27' 2" at highest point and taper down to 16'. The wall will be constructed of concrete with pebbledash stucco painted BM Alexandria Beige HC-77 and a cast concrete cap. Wall will be screened with stainless steel lattice and covered with crossvine.** Flexible development approved to allow structure to be within 15' of the front property line. Dumpster screening will be concrete block w/ pebble dash stucco on outside; and wood gates. Sidewalk will be "Phoenix" in running bond pattern. Street trees will be Tulip Poplar. **All necessary permits, variances, or approvals as required by law must be obtained before work may commence.**

4. That the Guidelines for New Construction in Contemporary Styles found on pages 13-15 in Chapter 4, Book 3 *Biltmore Village Historic District Design Guidelines for New Construction and Additions* and Guidelines for Site Design found on pages 23-26, Chapter 5, in Book 1, *Biltmore Village General Design Guidelines and Policies* adopted on October 1, 1988, were used to evaluate this request.

5. That this application does meet the design guidelines for the following reason:

1. The proposed changes are compatible with the character of Biltmore Village.

6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness are/are not compatible with the historic aspects and character of Biltmore Village Historic District.

Motion by: Commissioner Nutter

Second by: Commissioner Wampler

Vote for: All

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

Motion by: Commissioner Nutter

Second by: Commissioner Wampler

Vote for: All

Agenda Item
Review for Certificate of Appropriateness

Owner/Applicant: Holy Trinity Greek Orthodox Church
Subject Property: 227 Cumberland Ave.
Hearing Date: August 10, 2011
Historic District: Montford
PIN: 9649-14-1078
Zoning District: RS-8
Other Permits: Building & Zoning

Staff Report	<p>Property Description: Holy Trinity Greek Orthodox Church Hellenic Center, which is a mid 20th century structure and is a non-contributing to the Montford Historic District.</p> <p>Certificate of Appropriateness Request: The application is to construct a new pitched roof over the existing flat roof. New roof color will be Roman Bronze. Add EIFS stucco over existing brick façade on west and north side to make appearance consistent with worship hall. Trim stucco will be AC-500 Arctic Mist and field stucco will be AC-516 Palomino. All permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>HRC Staff Concerns per the Applicable Guidelines & Submittal Requirements:</p> <p>The guidelines for Non-contributing structures found on pages 68-69 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010, were used to evaluate this request.</p> <p>Staff Recommendation: Staff recommends approval as proposed.</p> <p>Suggested Reasons:</p> <ol style="list-style-type: none">1. The structure is non-contributing to the district and the proposed changes will allow the structure to blend better with the other structures on the property and within the district.
<p>MOTION TO ADOPT FINDINGS OF FACT</p> <p>Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – eleven photos of existing buildings and neighboring houses and streets; Exhibit B – site plan with proposed plantings; Exhibit C – existing floor plan; Exhibit D - architectural drawings of existing elevations; Exhibit E – architectural renderings of proposed elevations; Exhibit F – material specifications on proposed exterior finish (EIFS); Exhibit G – sample of EIFS and metal roof; and the Commission’s actual inspection and review of subject property by all members.</p> <p>I move that this Commission adopt the following FINDINGS OF FACT:</p> <ol style="list-style-type: none">1. That notice of public hearing on this application was published in the Asheville Citizen-Times on	

the 28th day of July, 2011, and that each owner of real property situated within two hundred feet of the subject property was notified of this hearing in the mail on the 28th day of July, 2011, as indicated by Exhibits H and I.

2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and commission members.

3. That the application is to construct a new pitched roof over the existing flat roof. New roof color will be Roman Bronze. Add EIFS stucco over existing brick façade on west and north side to make appearance consistent with worship hall. Trim stucco will be AC-500 Arctic Mist and field stucco will be AC-516 Palomino. **All permits, variances, or approvals as required by law must be obtained before work may commence.**

4. That the guidelines for Non-contributing structures found on pages 68-69 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010, were used to evaluate this request.

5. That this application does/does not meet the design guidelines for the following reasons:

1. The structure is non-contributing to the district and the proposed changes will allow the structure to blend better with the other structures on the property and within the district.

6. That the action and improvements proposed in the application before us for a Certificate of Appropriateness are/are not compatible with the historic aspects and character of the Montford Historic District.

Motion by: Commissioner Nutter

Second by: Commissioner Wampler

Vote for: All

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

Motion by: Commissioner Nutter

Second by: Commissioner Wampler

Vote for: All

Public Hearings:

Old Business

Agenda Item

Owner/Applicant: Marion D. Sitton
Subject Property: 43 Pearson Dr.
Hearing Date: June 8, 2011
Historic District: Montford
PIN: 9649-02-6714

Zoning District: RM-8
Other Permits: Building & Zoning

Staff Comments	Ms. Merten states she has been in touch with the property owner who could not attend this hearing. She reports the subcommittee has met and exhausted most of the previously hoped for solutions. A Montford resident has come forward and is willing to donate some older, appropriate metal fencing, if they have enough. This material would meet the guidelines, the application could be withdrawn and the project could go ahead as a Minor Work. She explains discussion of the timeframe extension decision is appropriate for this meeting, but new evidence should not be introduced. City Attorney Jannice Ashley clarifies this, states the applicant understands this discussion will only be about the six month continuance of review of the application.
Applicant(s)	Not present.

Public Comment

Speaker Name	Issue(s)
None	

Commission Comments/Discussion

Commissioners Wampler and Nutter ask for clarifications, and whether the final decision would be made at the January meeting. Atty. Ashley replies yes, if the application stays in process and is not withdrawn and changed to a Minor Work application, and if the continuance period remains the same. Comm. Wampler asks when the application originated (June), and whether the applicant had made any efforts. Ms. Merten states not to her knowledge. Comm. Nutter states the possible donation would be a victory. Ms. Merten agrees, and reports Montford resident Karen Kellow, who spoke at the last meeting, called to say she had changed her mind and thought the commission had made the right decision in granting the extended timeframe. Comm. Nutter notes Ms. Kellow has written an article in the current Montford News about a “kinder, gentler HRC.”

Commission Action

Comm. Chase asks if the Chair is looking for a motion to change the timeframe extension, and Chair Cole confirms.

Comm. Chase moves to change the extension for review of the application to October 1, 2011.

Second by: Comm. Black

Vote for: All

Comm. Nutter asks if a motion could be made to encourage success of the possible donation solution. Ms. Merten states the subcommittee has been charged with finding such a solution so that it might be redundant. Attn. Ashley states the date should be October 12, date of the next meeting, and a letter should be sent to applicant about this date change. The letter should also say the current application is not likely to be approved and would be voted on at that meeting.

Comm. Wampler states she doesn't think there needs to be any further work offering suggestions of resolutions, that it is time for the applicant to be more involved in the process. Ms. Merten states it has been established that any fence that meets the guidelines is the goal.

Comm. Chase amends her motion to October 12, 2011.

Second by: Comm. Wampler

Vote for: All

New Business

**Agenda Item
Hearing on Certificate of Appropriateness**

Owner/Applicant: Michael Brubaker
Subject Property: 39 Courtland Ave.
Hearing Date: August 10, 2011
Historic District: Montford
PIN: 9649-01-9813
Zoning District: RS-8
Other Permits: Building & Zoning

Staff Comments	<p>Ms. Merten shows slides of the property and reviews the following staff report.</p> <p>Property Description: Gustav Lichtenfels House. Early 20th century 2 1/2 story shingled sided, bungalow dwelling. Shingle siding, multiple gables, wide eaves, large brackets, ornamental windows, other notable details.</p> <p>Certificate of Appropriateness Request: Remove existing single car garage and replace with new 2 car garage per attached approved plans. New structure will have block foundation with other detailing and siding, roofing materials and trim materials to match the main house. Doors will be handcrafted of wood. Pedestrian entrance will have 6 light over two panel wood door. Windows will be 6 over 6, double hung wood with two wooden 6 light windows in gable end. All permits, variances, or approvals as required by law must be obtained before work may commence.</p> <p>HRC Staff Concerns per the Applicable Guidelines & Submittal Requirements:</p> <p>The guidelines for Carriage Houses, Garages, and Accessory Structures found on pages 34-35 in the Design Review Guidelines for the Montford Historic District, adopted on April 14, 2010, were used to evaluate this request.</p> <p>Staff Recommendation: Staff has asked the applicant for more information to document the condition of the existing structure, which should be preserved in its original location, if at all possible. Otherwise the new structure should be replaced with either a reconstruction based on accurate documentation of the existing or a new design that is compatible with the main building or historic accessory structures in the district.</p> <p>Suggested Reasons:</p> <ol style="list-style-type: none">1. Retain and preserve original carriage houses, garages and accessory structures in their original locations.
Applicant(s)	Michael Brubaker is available for questions, and also speaks on behalf of his wife, Charlotte Caplan, stating they would like to replace an existing garage with a two

	<p>car garage. He says the existing garage has never been a quality structure and was made for a vintage car. It does not have a proper foundation, only a mixture of rubble and gravel as the pad. He talks of recent snows, adjacent slope and resulting washout, and of industrious groundhogs who have undermined the back portion of the garage. He submits additional photographs showing deterioration.</p> <p>Mr. Brubaker states the property line is very close to the base of the existing structure and he wants to move the new footprint toward the house so he doesn't have to seek a variance. He also wants to preserve a walnut tree, which is in danger when backing out of the present garage. Chair Cole asks if he would be moving the driveway, he says no. He states any site grading would only be to replace gravel disturbed by construction. Ms. Merten asks why application says 6' from the property line, but the drawing shows 10'. He explains that he does not have a survey map and that his drawing is a tracing of the BC GIS map and is approximate. He explains the neighbors' fence is less than 2' from the neighbor's house, and the fence is 5' from the base of existing garage. He wants to move the entire structure away from the property line and neighbor to avoid water which flows towards the structure from all the adjacent properties.</p> <p>Chair Cole asks if the structure was built in 1914, at the same time as main house. Ms. Merten thinks it may have been built later. Mr. Brubaker states it has been used for chickens, and has too many issues to repair without disassembling it entirely. He submits a letter from his contractor, Jeremy Brookshire, which says the structure is deteriorated beyond repair.</p>
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Public Comment

Speaker Name	Issue(s)
None	

Commission Comments/Discussion

<p>Comm. Black says this is a period structure, in its original location and under the guidelines should be maintained in its original location. Regardless, she thinks it is clear the structure is in bad condition and needs to be rebuilt; she mentions that major restoration could be very costly. Comm. Chase states she would be very concerned about denying permission to demolish and build a new structure, whether one-car or two-car, for several reasons. One, a cracked foundation invites vermin, already present, which would only get worse. Two, it seems to present a danger of collapsing if there is a major snowfall and could be a hazard for children. Since no mechanicals are involved she has no problem with demolition. Comm. Ross and Nutter agree. Ms. Merten asks if the commission is in general agreement that removing the existing structure is appropriate. Comm. Wampler says she thinks it is a period structure, original to the house and the district is limited on these original, unaltered structures. Based on her site visit, she agrees there are challenges, but thinks there are restoration possibilities and she doesn't support demolition. Comm. Carney also thinks it could be rebuilt as it doesn't look that bad.</p> <p>Mr. Brubaker states he recognizes the importance of historic preservation, and has worked to carefully restore his house for 13 years but believes the garage does not have the integrity of the main house and any restoration attempt would require complete re-building as the skeleton doesn't exist to repair. He has no objection to trying to re-create the structure, or to make something the same scale. His first purpose is to try to make something that isn't a neighborhood eyesore and feels he can't salvage anything, so he needs to start over and have a proper foundation. He explains that his builder told him this area of Arborvale and Courtland sits on rubble, which will require digging a considerable depth to reach solid ground. Mr. Brubaker says he would have to move the garage to put in a foundation since it is not sound enough to lift up. He would like to have a double garage to secure two vehicles, but if he can't then he is willing to have a downsized garage. Has brought a Plan B which is a smaller version of his submitted design. He is hoping to at least get permission to rebuild something in place of the existing structure and would like to amend</p>
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his application.

Comm. Nutter asks Mr. Brubaker if he initially considered restoring the existing structure. He answers yes, and reiterates why he would like to rebuild instead. He states that only a light weight car can use the space now; that the wood is not pressure-treated, so he can't keep carpenter ants or bees out; that there are remains of knob and tube wiring, but currently no wire to the building, and no hope of inspection approval. There is no door and he wants to install hinged doors like those he has seen on other Montford garages, to complement the house and improve appearance for resale, if they choose.

Chair Cole asks if he would like a straw vote to be taken, in favor of demolition. He says yes.

Vote for: Commissioners Elingburg, Chase, Cole, Black, Ross and Nutter

Vote against: Commissioners Carney and Wampler

Chair Cole asks if he would like a straw vote to be taken on allowing a two-car garage. He says yes.

Vote for: Commissioners Nutter, Ross and Elingburg

Vote against: Commissioners Cole, Chase, Carney, Black and Wampler

Comm. Chase asks Mr. Brubaker if he would he want to extend the depth to allow some secure storage using the rear door, without changing the street view. Mr. Brubaker says there is no rear door, only three openings, which he thinks were added after the garage was built for light. He shows the design he would like to submit, and says he wants to move the footprint to provide a better buffer from the neighbor's house due to fire concern, and to avoid seeking a variance. Chair Cole says the guidelines say to keep garages in original location, and variances for this will usually be granted.

Comm. Nutter comments he has noticed two historic and attractive details on the existing garage that don't turn up in the drawings for the replacement garage. One is the exposed rafter ends. Mr. Brubaker assures the Commission this is intention, but he did not have time to make that level of detail on his new drawings. The second is the wide board surround around the four walls.

Mr. Brubaker says his intention is to replicate details that are the same on his house. He wants to include guttering on the length of the building, and also corbels as on the existing garage front. He notes they are false, not structural. The exposed overhang over the gable would be replicated. He shows his new version, and notes the dimensional changes – width is 15' as opposed to 12'6", depth of original is 20', proposed is 24', with the idea that these would allow room to accommodate modern vehicles. He has added an exterior door. The drawings show a concrete pad on the north side for second vehicle, but he's willing to consider another permeable paving material. He has had difficulty backing up out of driveway in the winter and wants to provide better drainage. Comm. Wampler clarifies that he is proposing concrete where there is a brown square on the drawing. Mr. Brubaker confirms and states there is currently a concrete pad, which is not substantial and was probably added later.

Comm. Black says she is more likely to go along with demolition if the details that are still structurally sound were maintained and used in the new structure, which would mean the new structure measurements would have to be exactly the same as existing. Mr. Brubaker replies there is nothing that could be re-used, underneath the paint on the decorative trim the wood is rotten and he would have to reproduce everything. He is not trying to change the design, only the dimensions. The border on the top and all details would be sized to replicate existing. Comm. Black says she would want to see the rear trim reused on the new building as it looks structurally sound and reflects the builder's talents with a German style to it.

Comm. Carney says he has looked at the structure thoroughly, and doesn't see the rot. He complements Mr. Brubaker's presentation and understands his desire for a new structure, but thinks the goal should be

to retain as much historic character in the neighborhood as possible. He has rebuilt many similar structures, and disagrees with the whole conversation.

There is more discussion about the condition of the structure and the applicability of the guidelines in this case.

Comm. Elingburg asks Mr. Brubaker if he is willing to reuse materials if possible in the new construction. He replies yes.

Chair Cole asks if he would like a straw vote to be taken for: a) if they will allow demolition; b) if he can move the foundation over 4 feet; c) if he can build a single-car garage, with replicated details, widened from 12'6" to 15' and increased depth from 20' to 24', put gutters, pedestrian door, and garage door on it. Mr. Brubaker says yes.

Vote for: Commissioners Chase, Nutter, Cole, Ross and Elingburg

Vote against: Commissioners Carney, Black and Wampler

Chair Cole asks if he would like a formal vote taken or have a design team formed. Mr. Brubaker comments he's willing to improve the details on the submitted plan if needed. The revised plan is reduced in size, but it is his intention to replicate the style, details and materials. The garage door would be the only new element which he has modeled after similar doors in the neighborhood and will have handcrafted hinges. Chair Cole confirms that he also wants to add gutters. She also clarifies that he wants to tear out the existing concrete and put in a new concrete pad. Mr. Brubaker confirms this and that he is also considering other permeable materials. Ms. Merten informs him that a change to the material could be done as a minor amendment.

Discussion follows on what is needed to move forward to a formal vote.

Commission Action

MOTION TO ADOPT FINDINGS OF FACT

Madam Chair, based upon the evidence presented to this Commission, including Exhibit A – description of project; Exhibit B – new construction worksheet; Exhibit C – eight photos of existing garage, including close-ups of foundation; Exhibit D – architectural rendering of proposed garage; Exhibit E – four photos, views of house and existing garage; Exhibit F – site maps showing existing and proposed footprints; Exhibit G – aerial view of site with overlay of proposed garage footprint; Exhibit H: letter of recommendation for replacement by contractor, Exhibit I – four photos showing interior deterioration; Exhibit J – four photos of exterior; Exhibit K – new plans for single-car garage; and the Commission's actual inspection and review of subject property by all members;

I move that this Commission adopt the following FINDINGS OF FACT:

1. That notice of public hearing on this application was published in the Asheville Citizen-Times on the 28th day of July, 2011, and that each owner of real property situated within two hundred feet of the subject property was notified of this hearing in the mail on the 28th day of July, 2011, as indicated by Exhibits L and M.
2. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, the Historic Resources Commission staff and Commission members.
3. That the application is to remove existing single car garage and replace with new 1 car garage per attached approved plans. New structure will have block foundation with other detailing and siding, roofing materials and trim materials and details to match the main house and existing structure. Doors

will be handcrafted of wood. Pedestrian entrance will have 6 light over two panel wood door. Window will be 6 over 6, double hung wood with two wooden 6 light windows in gable end.

4. That this application does meet the design guidelines for the following reasons:
 1. The new structure will use traditional roof forms, materials and details compatible with the main building.
 2. Condition of the existing structure as studied by owner and his engineer indicate need to demolish and replace.
5. That the action and improvements proposed in the application before us for a Certificate of Appropriateness are/are not compatible with the historic aspects and character of the Montford Historic District

Motion by: Comm. Nutter

Second by: Comm. Chase

Vote for: Chase, Nutter, Cole, Ross and Elingburg

Vote against: Comm. Carney, Wampler and Black

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that a Certificate of Appropriateness be **issued**.

With the following conditions: (if applicable)

- 1. Revised plans submitted to staff for approval**
- 2. Window and door specifications submitted to staff for approval**
- 3. Application will be amended to reflect the request for a new concrete pad for staff review**

Motion by: Comm. Nutter

Second by: Comm. Chase

Vote for: Chase, Nutter, Cole, Ross and Elingburg

Vote against: Comm. Carney, Wampler and Black

Other Business:

Presentation on Eagle Market Place and discussion of the Memorandum of Agreement between the City of Asheville and the NC State Historic Preservation Office (SHPO) regarding the Eagle Market Place Development

As member of the Eagle/Market Place Board of Directors Comm. Nutter offers to recuse himself. Atty. Ashley says this is not necessary if only a presentation. Ms. Merten states the commission will have to vote to accept the MOA at some point.

Chair Cole asks for second to recuse.

Second by: Comm. Ross

Ms. Merten gives an overview of the Section 106 Process:

- ? Section 106 is part of the National Historic Preservation Policy Act of 1966 in which Congress established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of the community.

- ? Section 106 requires federal agencies to consider the effects of the projects they approve or fund on historic resources and to give the opportunity for public comment prior to final decisions being made.
- ? The Advisory Council on Historic Preservation (an independent federal agency) developed and is responsible for carrying out the regulations of the Section 106 review process together with the HPO in each state.
- ? The process is initiated by the federal agencies responsible for the undertaking, in this case the Office of Community Development, which is acting in the capacity of Housing and Urban Development and providing funding for the project.
- ? It has been determined by the SHPO that the undertaking will result in an adverse affect on properties that are located in the Downtown Asheville National Register District.
- ? The Advisory Council has been notified and is not planning to participate. This is normal unless the project is highly controversial or the rules have not been followed.

Ms. Merten provides the back ground on the review process to date:

- ? South Pack Square Design Review Committee - (March 1, 2011) recommended approval of the design with these suggestions:
 1. Recommended that the design provide a cap meeting the UDO requirement; Changes were made to the cap that were supported by staff and a variance was not required.
 2. Recommended a variation in height of the appearance of the continuous roofline; none were made.
 3. Recommended a variation (achieved through materials or color) from the continuous horizontal banding at the del Cardo roof line level on the north and east faces of the proposed building; issue not resolved
 4. Recommended that the project follow façade restoration procedures as described in the Eagle/Market Façade Design Guidebook; These will be followed
 5. Recommended in favor of the streetwall height variance to preserve and highlight the Collette Building. This was approved
- ? Technical Review Committee (March 7, 2011)
Approved with Conditions for site plan review
- ? Downtown Commission (March 11, 2011)
Recommended approval of the design and variance
There was extensive discussion of the design and although the Commission was of the opinion that the design could use improvement, they did not want to hold the project up as it also filled a vital need for redevelopment and affordable housing, which is also in their purview. Their review is non-binding.
- ? Tree Commission (March 21, 2011)
Recommended approval of street tree modification
- ? Planning & Zoning Commission (April 6, 2011)
Approved with Conditions for site plan review
Approved variance for streetwall height

Ms. Merten then commented on the Memorandum of agreement that is up for discussion.

- ? Consulting parties met on June 27th and both SHPO and Preservation Society expressed some concern:
 1. SHPO was concerned about design, scale massing and materials and that the plans are still conceptual. They have also commented that although there is an adverse affect that the

- plans should conform to the Secretary of Interior Standards as much as possible and they will be commenting on the design.
2. The Preservation Society was concerned that mitigation strategies were not far reaching enough and it is my understanding that they do no plan to sign the MOA as written.
- ? Recommendation to the HRC
- The South Pack Square Design Review Committee, the Downtown Commission and the SHPO have expressed concerns about the design, especially the S. Market Street side and the interface with the historic building facades.
 - The Executive Committee has discussed the design and the general consensus is that the Market Street elevation could use some improvement for the new building to be more congruent with the Secretary of Interior Standards. The new structure appears to be competing with the historic buildings with no intentional effort to differentiate the new from the old. The townhouse design is very massive and perhaps more articulation would help to lighten it up. These comments are consistent with other reviewing bodies and SHPO comments.
 - In the area of mitigation we have also discussed the possibility of MHO contributing funding towards the development of a preservation plan, which is something that the HRC is interested in having done as well as the Historic Preservation Sub-committee of the downtown Master Plan.
 - My recommendation is that the HRC form a subcommittee to discuss these items and any other suggestions you all may have and then meet to negotiate with MHO, prior to the chair signing the MOA.

Stephanie Swepson-Twitty, President/CEO of Eagle/Market Streets Development Corp., speaks next, on behalf of the corporation and Mountain Housing Opportunities (MHO) as co-developers, along with Tise-Keister Architects, and thanks HRC for the opportunity to present.

She says Eagle/Market Streets Development Corp. is now in its fourth attempt to complete the project. Concepts have changed and public support has peaked and waned but the one constant has been to promote economic development that is sensitive to the history of the people and the buildings in the district. It has three key factors, its community/socio/economic impact, its adherence to the City's downtown master plan, and its attempt to meet the mission of the Eagle/Market Street Development Corp. It returns the same amount of housing units to the district that existed prior to urban renewal (70 workforce affordable rental units). The project returns commercial vitality to the area, which existed as recently as 2006. It proposes to restore the Del Cardo to 100% restoration, which is significant in helping create sustainability, providing microenterprise job creation, and helps increase the City's tax base, a major focus of the 2015 plan. It addresses the blight and slum of the area, and honors the history of the community. It positions the Eagle/Market Streets Development for a cultural revitalization with the Mt. Zion performing arts center. The mission is to develop people, property and business, she thinks this project addresses each of these points.

Craig Carbrey, of Tise-Kiester Architects, presents slides of drawings and photographs of the proposed project. Starting with a discussion of history of the Eagle/Market St. area, he states the goal is to restore the level of prominence in the town this area had, and remember the past while designing for the future. He states the Del Cardo building will undergo a pure restoration, the façade and the interior, with any modifications regarding accessibility occurring on the outside and also describes that the Collette building will retain its facade and include a gallery for community history with a mural visible through the site. The Ritz façade will undergo a full restoration and the front half will be maintained. He shows a diagram illustrating how the new building interacts with the older buildings and discusses parking, accessibility features, community spaces, how the courtyard opens up to the 7th floor, the townhouses, and the upper residential floors. He explains that the corners on new structures will be rounded to reflect design of the Del Cardo building. He discusses challenges of the design process, and provides further description of the way the new buildings weave into the old. He explains how the use of glass, recessed balconies, setback

and variegated materials are used to reduce the massiveness of the new structure. He explains that the cap design is intended as a modern interpretation of a cornice, that it reflects elements on existing buildings and reduces bulk effect, especially at night.

Chair Cole asks where the mural might go, if it was visible to outside. Mr. Carbrey answers that it is on the inside face of a wall on S. Market, not visible to the outside, but seen from the parking lot, or in courtyard looking back through the exercise area. Chair Cole asks if the glass would be tinted or transparent (he answers all low E, transparent, argon-filled, with attempts to gain LEED certification and energy star certification as part of state housing finance agency requirements). She asks if the gallery will be visible and accessible to the public, he answers yes.

Chair Cole mentions concern of Exec. Comm., asks about the three townhomes between the historic buildings. Why did they choose bricks, why are the stoops so large, was there an opportunity to put upstairs recessed balconies, and if the stoops usable? He answers that the intent is for the stoops to be usable. An issue with recessed balconies was the units cannot afford to have any more square footage carved out of them. They think brick would be the natural material from the standpoint of maintaining the existing masonry street wall. He asks if the issue would be to make it more different. Chair Cole answers yes, the Secretary of Interior standards say new construction should be very different, to allow the older structures to stand out. Comm. It is determined that a difference in color is enough to differentiate the new from the old.

Comm. Chase says she thinks it's a bold and exciting plan, has a great upward feel, and likes the glass. Comm. Black thinks it highlights where we've been, and where we're going. Comm. Elingburg says they've done a great job of utilizing what's there and pulling it together.

Ms. Merten defines the options, to accept the MOA as it is, or suggest changes. Chair Cole says the only concern is this is a very conceptual plan, as SHPO has said, she feels the materials could change, and that could affect how different the historical buildings look from the modern. Ms. Merten responds that part of the MOA specifies that MHO will provide design plans to the City at 50% and 100% completion, and HRC could also ask to review these. Comm. Wampler thinks that would be beneficial. Comm. Wampler asks about the timeframe, Ms. Merten replies there is no exact deadline, but Community Development would like to keep it moving along and it is currently on hold because of state affordable housing tax credits.

Chair Cole says a mitigation strategy asking for a preservation plan would be beneficial and wonders what the other commissioners think.

Comm. Carney thinks the salvage and reuse terms should be tightened up. Ms. Merten suggests that the Exec. Comm. could work on wording changes regarding salvage and reuse and other possible mitigation.

Comm. Chase says she doesn't want the decision process rushed in regards to materials choices, thinks brick would make the street experience more soothing, as opposed to new materials.

Chair Cole comments that the salvage issue is very important in gaining LEEDS certification. Comm. Black adds that Greensboro has come up with some successful plans in retaining old while modernizing, that it would be good to look at what other cities have done.

Ms. Merten suggests it should not be a problem for the MOA to include stipulation that an inventory of all materials be presented to the HRC, so they could have input into the salvage/and or reuse process. There was additional discussion and the commission decided they would allow the Exec. Comm. to work on the following stipulations of the MOA: rewording the salvage and reuse stipulation; for the HRC to have input on the review of the design as it progresses; and to further discuss the proposal to ask that MHO set aside funding for a preservation plan as a mitigation strategy. Ms. Merten states there will be opportunity for discussion at the Sept. 7 training session.

Chair Cole asks when the other parties need to know if HRC would agree to the MOA. Community Development Director Jeff Staudinger replies, says it is up to the City as a whole to say this is the

agreement, the parties within can agree to sign or not. He says the City has responsibility to put the agreement forward.

Chair Cole asks for comments from the public. Johnnie Grant (Urban News) states she is a native of Asheville and grew up in the South Market St./East End neighborhood. She is interested in learning about the height variance, does not see anything consistent with the flow of the historic community. Feels the building design is ostentatious, does not fit with the community, using the facades of Del Cardo and Collette buildings as a band around the new building is almost a laughing matter. To deem this a historic site and to only preserve the facades just doesn't make sense. She notices it is almost the same rendition as the Glen Rock Hotel project, she doesn't think the people of the community will be pleased. She acknowledges the hard work of those involved so far, but asks that they go back to the drawing board and make a design that would fit the community.

Committee Reports:	Ms. Merten reports the Education Committee met and is planning a retreat later in the year. She reminds Commissioners about their training session scheduled for September 7, 2011 at the Grove Park Inn, and says there is a scheduled meeting for the Landmarks Committee.
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Public Comment:	<p>Webster Williams, who lives at 9 Birch St. in Montford, wants to alert the commission about some property for sale adjacent to his lot. He is concerned about a black walnut tree on his property, and that the adjacent property is presented as a flag lot which includes an easement to access the two lots. As he understands the HRC guidelines the proposed design would not be possible, with the orientation of the houses facing a different direction than the existing houses, and also since the easement would create a private street. He says he has discussed this with the realtor, and wants this to be a matter of disclosure for any prospective buyer. (Shows map of the properties, showing proposed lots, says 19 Birch St. is a new address.) Says the location is steep, drainage is a problem, would be hard to build on. He doesn't want it to be bought by someone unaware of the issues they would face with HRC.</p> <p>Comm. Wampler asks about easements, Chair Cole asks about the driveways proposed. Atty. Ashley asks if the map is what the realtor is using to show what could be there (yes). Mr. Williams says it has not been subdivided, and the map is deceptive, and that he obtained it from the realtor's website.</p> <p>Ms. Merten says there are flag lots in Montford, so that would not be an issue normally, but any new houses would have to face in same direction as neighboring houses. Atty. Ashley suggests he should take this to Planning staff, to find out subdivision setback rules under the UDO. Mr. Williams says it has been approved, and his concern is about what might happen to his tree and its roots. Comm. Carney says he knows the lot, and it would be very difficult to build on because of water underneath, which can't be blocked.</p>
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Commissioner Wampler moves to adjourn the meeting.

Second by: Commissioner Carney

Vote for: All

The meeting is adjourned at 6:43 pm.